

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *et al.*,

Defendants.

No. 16-cv-4756 (NGG) (VMS)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (VMS)

NOTICE

Defendants respectfully submit the declaration of Tracy L. Renaud, Acting Deputy Director, USCIS, attached as Exhibit A, regarding the scope of the inadvertent computer coding error identified in Defendants' August 17, 2021 notice to the Court, ECF No. 371, and USCIS's remedial efforts to correct that error and ensure it does not reoccur. As explained further in Ms. Renaud's declaration, all Employment Authorization Documents (EADs) that were delayed as a result of this inadvertent error have since been produced and mailed via USPS Priority Mail. Renaud Decl. ¶¶ 10, 12-13. In light of these efforts, USCIS does not believe that any affected EADs will have expired before a replacement EAD would have issued. *Id.* ¶ 14. USCIS has also

reviewed the coding logic for future batches of EADs to ensure that this coding error does not reoccur. *Id.* ¶ 15. Defendants appreciate the Court's and Plaintiffs' understanding.

Dated: August 24, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

JACQUELYN M. KASULIS
Acting United States Attorney

BRAD P. ROSENBERG
Assistant Branch Director

/s/ Rachael L. Westmoreland
GALEN N. THORP
Senior Trial Counsel
STEPHEN M. PEZZI
RACHAEL L. WESTMORELAND
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 305-8576
Fax: (202) 616-8470
Email: stephen.pezzi@usdoj.gov

JOSEPH A. MARUTOLLO
Assistant U.S. Attorney
United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East, 7th Floor
Brooklyn, NY 11201
Phone: (718) 254-6288
Fax: (718) 254-7489
Email: joseph.marutollo@usdoj.gov

Attorneys for Defendants